FEB 20 1899
JAMES H. McKENNEY,
Clerk.

No. 642.

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Motion Papers.

SUPREME COURT OF THE UNITED STATES,

OCTOBER TERM, 1898.

Filed Feb. 20, 1899.

J. M. TURNER AND J. M. WELBURN, PLAINTIFFS IN ERROR,

VERSUS

THE BOARD OF COMMISSIONERS OF WILKES COUNTY AND C. C. WRIGHT, DEFENDANTS.

In Error to the Supreme Court of the State of North Carolina.

MOTION TO DISMISS AND AFFIRM.

Comes now the appellee, by his counsel, appearing in that behalf, and moves the Court to advance for hearing and to dismiss the appeal in the above-entitled cause for want of jurisdiction, because the judgment or decree from which the said appeal purports to have been taken is the judgment or decree of the Supreme Court of one of the United States, to-wit, the Supreme Court of the State of North Carolina.

And the said defendants, by counsel as aforesaid, also moves the Court to affirm the said judgment or decree from which said appeal purports to have been taken, because, although the record in said cause may show that this Court has jurisdiction in the premises, yet it is manifest that said appeal was taken for delay only.

A. C. AVERY,

Counsel for Defendants for the Purposes of these Motions.